



Vermont Department of Environmental Conservation

Agency of Natural Resources

August 28, 2014

David Conroy

EPA – New England, Region 1

5 Post Office Square #100

Boston, MA 02109

**Re: WITHDRAWAL OF VERMONT'S STAGE II VAPOR RECOVERY CONTROL AND LOW EMISSION VEHICLE STATE IMPLEMENTATION PLAN REVISION**

Dear Mr. Conroy,

The purpose of this letter is to withdraw the revisions to Vermont's State Implementation Plan (SIP) for Stage II Vapor Recovery Control at Gasoline Dispensing Facilities (Stage II) and the Low Emission Vehicle Program, submitted January 15, 1997. While this SIP revision was never approved by EPA, subsequent events have made the original submittal unnecessary.

Stage II

The Vermont regulation requiring Stage II implementation has been repealed, and a procedure has been put in place to guide the decommissioning process of Stage II systems at gasoline dispensing facilities. In 2009, the Vermont legislature enacted a law that repealed the rule requiring Stage II vapor recovery and control. The law provides: "Effective January 1, 2013, all rules of the secretary pertaining to stage II vapor recovery controls at gasoline dispensing facilities are repealed. The secretary may not issue further rules requiring such controls." 10 V.S.A. §583(a) (2009). The repeal of the Stage II rule has been reflected in Vermont's Air Pollution Control Regulations at §5-253.7. The law also requires gasoline dispensing facilities to decommission their Stage II vapor recovery systems by January 1, 2015 "pursuant to methods approved by the secretary." 10 V.S.A. § 583(c).

In February of 2011, the Vermont Department of Environmental Conservation (DEC) adopted a procedure for decommissioning Stage II vapor recovery systems, which includes guidance on the timing of decommissioning and a list of approved methods for decommissioning.

The repeal of Vermont's Stage II rule by statute therefore negates the need for Vermont to continue to pursue approval of its 1997 SIP revision pertaining to Stage II. Additionally, because DEC has adopted a procedure to guide the Stage II decommissioning process, a rulemaking further revising Vermont's SIP is not necessary. Therefore, Vermont's SIP revision containing the Stage II rule is hereby withdrawn.

In support of the withdrawal of the Stage II program from Vermont's SIP, please find enclosed:

1. 10 V.S.A. § 583. Repeal of stage II vapor recovery requirements
2. Vermont DEC Procedure for Decommissioning Stage II Vapor Recovery Systems at Gasoline Dispensing Facilities

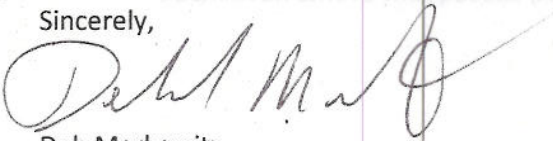
## LEV program

In 1995, the EPA promulgated regulations that required states in the Ozone Transport Commission (OTC) including Vermont, to submit a SIP revision meeting the requirements of a specific LEV program. (See 40 C.F.R. §51.140(a)) This requirement was rendered moot, however, when the EPA made a finding that a national LEV-equivalent emission control program was in effect. (See 63 FR 11374)

Although Vermont submitted its LEV program as part of its SIP revision in 1997, the program was never approved by EPA. As this program is no longer required to be a part of Vermont's SIP, and it was never approved by EPA, Vermont's SIP revision containing the LEV program is hereby withdrawn.

If you have any questions regarding this matter, please contact Rich Poirot at [rich.poirot@state.vt.us](mailto:rich.poirot@state.vt.us) or (802) 272-3664.

Sincerely,



Deb Markowitz

Secretary, Vermont Agency of Natural Resources